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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kenneth Watson Art Unit: 3751
S. N.: 10/655,918 Examiner: MAUST
Filed: 09/05/2003 Docket: TEM639
For: ANTI-SIPHON FUEL FILLER ASSEMBLY AND METHOD OF
MANUFACTURING THE SAME

November 16, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181

Facts:

The Patent Office issued an Office Action in the above listed application on April 29, 2005. Applicant submitted a Response on June 22, 2005 (a copy of the Response is attached hereto as Exhibit A) addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The Response submitted on June 22, 2005, included on page 7 a properly executed Certificate of Mailing under 37 C.F.R. 1.8, showing a date of June 22, 2005. The mailing date of June 22, 2005, was within the three month response period of the April 29, 2005, Office Action.

The Patent Office lost or did not receive Applicant's Response dated June 22, 2005. The Patent Office issued a Notice of Abandonment on November 10, 2005.

Action Requested:

Applicant requests the Patent Office to Withdraw the Holding of Abandonment dated November 10, 2005, and to Revive

the above listed application because the Patent Office lost Applicant's Response. Applicant also requests the copy of the Response submitted herewith be entered in the application and be acted upon.

Applicant respectfully requests the Patent Office to contact Applicant's attorney Ingrid McTaggart at (503) 230-7934 if there are any questions.

Respectfully submitted,


Ingrid M. McTaggart, Reg. No. 37,180

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TEM639

Certificate of Mailing

I hereby certify that this correspondence is being deposited as first class mail with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of November, 2005.



Exhibit A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kenneth Watson Art Unit: 3751
S. N.: 10/655,918 Examiner: MAUST
Filed: 09/05/2003 Docket: TEM639
For: ANTI-SIPHON FUEL FILLER ASSEMBLY AND METHOD OF
MANUFACTURING THE SAME

June 22, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Amendment

In response to the Office Action dated April 29, 2005,
please amend the application as follows:

In the claims:

Please amend claims 1, 9, 11, 21, 24 and 25. Please
cancel claims 3 and 23. A copy of the claims is shown on the
following sheet(s) as specified in 37 CFR section 1.121.

Amended Claims

1. (currently amended) An anti-siphon fuel filler assembly for placement in a fuel tank, comprising:

a tube including a first end region adapted to be positioned in said fuel tank for allowing fuel to flow therethrough into said tank, said first end region including a first crimp and a second crimp; and

a restriction structure positioned in said tube between said first crimp and said second crimp, said restriction structure including apertures sized for allowing fuel to flow therethrough while preventing the insertion of a siphon hose into said tank,

wherein said restriction structure comprises a hub and a plurality of spokes extending outwardly therefrom.

2. (original) An anti-siphon assembly according to claim 1 wherein said restriction structure is manufactured by the process of extrusion.

3. (canceled).

4. (original) An anti-siphon assembly according to claim 1 wherein said tube further comprises deflection structure for retaining said tube in said tank.

5. (original) An anti-siphon assembly according to claim 1 wherein said first crimp includes a plurality of crimped regions positioned around a perimeter of said first end region of said tube.

6. (original) An anti-siphon assembly according to claim 1 wherein said second crimp includes a crimped

region that extends completely around a perimeter of an end of said first end region of said tube.

7. (original) An anti-siphon assembly according to claim 1 wherein said tube and said restriction structure are manufactured of aluminum.

8. (original) An anti-siphon assembly according to claim 1 wherein said first and second crimps each define a deflection that extends into an interior of said tube.

9. (currently amended) An anti-siphon assembly according to claim 3 1 wherein said hub defines an opening therein and wherein said plurality of spokes each define a opening therebetween so as to allow the flow of fuel therethrough.

10. (original) An anti-siphon assembly according to claim 1 wherein said tube defines a tube inner diameter, said first crimp defines a first crimp inner diameter, said second crimp defines a second crimp inner diameter, said restriction structure defines a restriction structure outside diameter, and wherein said restriction structure outside diameter is greater than said first and second crimp inner diameters and is smaller than said tube inner diameter.

11. (currently amended) A fuel tank, comprising:
a tank including an opening for receiving fuel therethrough; and

a filler tube insert positioned in said tank opening, said filler tube insert including a first end region received within said tank and having an anti-siphon insert crimped within said first end region, said

anti-siphon insert including a plurality of apertures for allowing fuel flow therethrough,

wherein said filler tube insert further comprises deflection structure for retaining said filler tube insert in said tank.

12. (original) A fuel tank according to claim 11 further comprising a filler tube mounted on said opening wherein said filler tube insert is positioned within said filler tube.

13. (original) A fuel tank according to claim 11 wherein said filler tube insert has a cylindrically symmetrical cross sectional shape that defines said plurality of apertures.

14. (original) A fuel tank according to claim 11 wherein said filler tube first end region includes a first crimped region a second crimped region, and said anti-siphon insert is crimped within said filler tube insert between said first and second crimped regions.

15. (original) A fuel tank according to claim 11 wherein said anti-siphon insert is secured within said filler tube insert in the absence of welds.

16-20. Canceled.

21. (currently amended) An anti-siphon fuel filler insert for placement in a filler neck tube of a fuel tank comprising:

tube means including a first end region adapted to be positioned in said fuel tank for allowing fuel to flow therethrough into said tank; and

restriction means positioned in said tube and having a central region and a plurality of arms extending cylindrically, symmetrically outwardly therefrom, said arms defining apertures therebetween for the flow of fuel therethrough,

wherein said restriction means is secured within said tube means exclusively by indentations in said tube means.

22. (original) An anti-siphon insert according to claim 21 wherein said restriction means is manufactured by the process of extrusion.

23. (canceled).

24. (currently amended) An anti-siphon insert according to claim ~~23~~ 21 wherein said indentations extend only partially into an interior of said tube means.

25. (new) A fuel tank, comprising:

a tank including an opening for receiving fuel therethrough; and

a filler tube insert positioned in said tank opening, said filler tube insert including an anti-siphon insert having a plurality of apertures defined by arms extending cylindrically outwardly from a central hub,

wherein said filler tube insert and said anti-siphon insert are manufactured of aluminum.

Response

By this response, claims 1, 9, 11, 21, 24 and 25 have been amended. Claims 3 and 23 have been canceled. Claims 1, 11, 21 and 25 are in independent form. No additional claim fees are required. This response is being filed within three months of the Office Action outstanding. Accordingly, no time extension request or time extension fee is required.

In the Office Action dated April 29, 2005, the Examiner rejected claims 11-13, 15, 21, 22 and 25 under 35 U.S.C. 102(b) as allegedly being anticipated by Keller. The Examiner rejected claims 1 and 2 under 35 U.S.C. 103(a) as allegedly being unpatentable over Kettler in view of Keller. The Examiner stated that claims 3-10, 14, 23 and 24 are objected to but contain allowable subject matter.

By this Response Applicant has amended independent claim 1 to incorporate the limitation of objected to claim 3. Applicant has amended independent claim 11 to incorporate the limitation of objected to claim 4. Applicant has amended independent claim 21 to incorporate the limitation of objected to claim 23. Applicant has amended independent claim 25 to incorporate the limitation of objected to claim 7. Accordingly, each of the independent claims contain subject matter from an objected to claim. Applicant believes each of the currently pending claims are in condition for

allowance and Applicant respectfully requests allowance of the same.

Conclusion

In view of the above noted amendments, this application is believed to be in condition for allowance and notice thereof is respectfully solicited. The Examiner is urged to contact applicant's attorney, Ingrid McTaggart, at 503-230-7934 if there are any questions.

Respectfully submitted,


Ingrid M. McTaggart, Reg. No. 37,180

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Certificate of Mailing

I hereby certify that this correspondence is being deposited as first class mail with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, P.O. Box 1450. Alexandria, VA 22313-1450, on this 22nd day of JUNE, 2005.

